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www.uspto.gov

25 JUN 2007

HENRY M FEIEREISEN, LLC
350 FIFTH AVENUE
SUITE 4714
NEW YORK, NY 10118

In re Application of PFANNSCHMIDT et al	:	
U.S. Application No.: 10/553,698	:	
PCT Application No.: PCT/EP2004/003475	:	
Int. Filing Date: 01 April 2004	:	
Priority Date Claimed: 16 April 2003	:	DECISION
Attorney Docket No.: PFANNSCHMIDT-2	:	
For: ELECTRIC MACHINE PROVIDED WITH	:	
COOLED METAL STACKS AND	:	
WINDINGS OF THE STATOR ROTOR	:	

This is in response to applicant's "Petition Under 37 C.F.R. 1.181" filed 21 June 2007.

BACKGROUND

On 01 April 2004, applicant filed international application PCT/EP2004/003475, which claimed priority of an earlier Germany application filed 16 April 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 28 October 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 October 2005 (16 October 2005 was a Sunday).

On 17 October 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 03 August 2006, applicant filed an executed declaration.

On 30 October 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated that the application as filed contained 10 claims and also indicated a date under 35 U.S.C. 371 of 23 August 2006.

On 21 June 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that there were 11 claims present at the time of filing and that the 35 U.S.C. 371 requirements were met on 03 August 2006.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 30 October 2006 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of: (1) a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) which should indicate a date under 35 U.S.C. 371 of 03 August 2006 and (2) a corrected filing receipt which should indicate a 371(c) date of 03 August 2006 and 11 total claims.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459